

CIRCUIT COURTS OF APPEALS, ETC.

MAY 11, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. CONNOLLY, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 8279.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 8279) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, A. D. 1891, submit the following report:

This bill amends sections 6 and 7 of the act of March 3, 1891, establishing the circuit courts of appeals.

Section 6 of said act gives to the circuit courts of appeals jurisdiction to review the final judgments and decrees of the district and circuit courts.

The purpose of this bill is to so amend the sixth section of that act as to extend its jurisdiction so as to hear and determine appeals or writs of error from interlocutory orders and decrees appointing or refusing to appoint receivers, or vacating or refusing to vacate such an order or decree, notwithstanding an appeal in such case upon final decree would go direct to the Supreme Court.

This is the only change it proposes in said sixth section of the act creating the circuit courts of appeals.

Section 7 of the act creating the circuit courts of appeals provided for an appeal to the circuit courts of appeals from an interlocutory order or decree granting or continuing an injunction in any cause wherein an appeal from the final decree therein would lie to the circuit courts of appeals.

An act passed February 18, 1895, amended this seventh section of the original act by extending such right of appeal to interlocutory orders or decrees *refusing or dissolving an injunction*, so as the law now stands appeals lie from interlocutory orders or decrees granting, continuing, dissolving, or refusing an injunction.

The purpose of this bill is to so further amend the seventh section of said original act as amended by the act of February 18, 1895, as to permit appeals or writs of error to the circuit courts of appeals from interlocutory orders or decrees granting or refusing the appointment of a

receiver or granting or refusing a motion for vacation of such appointment. If the bill shall become a law the effect of it will be to allow appeals and writs of error to lie from interlocutory orders or decrees of district or circuit courts granting, continuing, refusing, or dissolving an injunction, as well as from interlocutory orders or decrees granting or refusing the appointment of a receiver or granting or refusing a motion to vacate such appointment.

Such appeals from interlocutory orders are given precedence in the circuit courts of appeals, and such appeals will not stay proceedings during their pendency in the courts below. Orders and decrees relating to appointment of receivers are surely quite as important as those relating to injunctions, and the reasons for allowing appeals from such interlocutory orders in case of injunctions apply with equal force in case of receivers.

It may further be said that the American Bar Association has at its last three annual sessions strongly urged upon Congress the amendments proposed in this bill.

Your committee recommend the passage of the bill, with the following amendments:

In line 3, page 1, before the word "That," insert "Sec. 1."

In line 9, page 1, after the word "Sec.," strike out "1" and insert "6."

On page 2, line 17, after the word "receivers," insert "or vacating or refusing to vacate such an order or decree."

On page 4, line 11, after the word "receiver," insert "or for the vacation of such appointment."

On page 4, line 16, after the word "receiver," insert "or for the vacation of such appointment."

